

United States District Court
Eastern District of Michigan

United States of America

ORDER OF DETENTION PENDING TRIAL

v.

TOMMY JACKSON /

Case Number: 08-30383

Defendant

In accordance with the Bail Reform Act, 18 U.S.C. §3142(f), a detention hearing has been held. I conclude that the following facts require the detention of the defendant pending trial in this case.

Part I – Findings of Fact

- ✓ (1) I find that:
 - ✓ there is probable cause to believe that the defendant has committed an offense
 - ✓ for which a maximum term of imprisonment of ten years or more is prescribed in 21 U.S.C. § 841 or 846;
 - ✓ under 18 U.S.C. § 924(c).
- ✓ (2) I further find that the defendant has not rebutted the presumption established by finding that no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the community.

Alternative Findings

✓ I find that the government has established by a preponderance of the evidence that there is a serious risk that the defendant will not appear.

✓ I find that the government has established by clear and convincing evidence that there is a serious risk that the defendant will endanger the safety of another person or the community.

Part II – Written Statement of Reasons for Detention

- ✓ I find that the credible testimony and information submitted at the hearing established the following factors under 18 U.S.C. § 3142(g):
- ✓ (a) nature of the offense - 1. Possession With Intent to Distribute Heroin and Cocaine; 2. Felon in Possession of Firearm; 3. Possession of Firearm in Furtherance of a Drug Distribution Offense.
 - ✓ (b) weight of the evidence - Evidence is strong on all three counts (including a confession).
 - ✓ (c) history and characteristics of the defendant -
 - ✓ 1) physical and mental condition - Evidence of long term drug abuse.
 - ✓ 2) employment, financial, family ties - No job; does have family ties.
 - ✓ 3) criminal history and record of appearance - Five prior drug offense convictions.
 - ☐ (d) probation, parole or bond at time of the alleged offense -
 - ✓ (e) danger to another person or community - Defendant possessed four firearms and a bulletproof vest, which he admitted to keeping for protection of his house, where he possessed heroin and cocaine for distribution. He is a chronic drug abuser, and has multiple drug related felony convictions. Pretrial Services recommends detention. Independent of the statutory presumption, I find this defendant to be a flight risk and a danger to the community.

Part III – Directions Regarding Detention

The defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

Date: March 13, 2009

s/Donald A. Scheer*Signature of Judge*Donald A. Scheer, United States Magistrate Judge*Name and Title of Judge*